

AMENDED IN SENATE MAY 2, 2001
AMENDED IN SENATE MARCH 27, 2001

SENATE BILL

No. 1049

Introduced by Senator Speier

February 23, 2001

An act to add Section 31780.2 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, as amended, Speier. County employees' retirement: domestic partners: San Mateo County.

Under the existing County Employees Retirement Law of 1937, death benefits and survivor's allowances are payable to the surviving spouse or children of a deceased member, as specified.

This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31780.2 is added to the Government
2 Code, to read:
3 31780.2. (a) In a county of the 10th class, as defined in
4 Sections 28020 and 28031, any benefits accorded to a spouse
5 pursuant to this article and Article 11 (commencing with Section

1 31760), Article 15.5 (commencing with Section 31841), Article
2 15.6 (commencing with Section 31855), and Article 16
3 (commencing with Section 31861), or any of them, may be
4 accorded to a domestic partner, as defined in a resolution adopted
5 by the county board of supervisors consistent with the
6 requirements of subdivision (b), provided that the member and the
7 member's domestic partner have a current Affidavit of Domestic
8 Partnership, in the form adopted by the county board of
9 supervisors, on file with the county for at least one year prior to the
10 member's retirement or death prior to retirement.

11 (b) For purposes of this section, a domestic partnership may be
12 established between two adults of the same sex or, if both persons
13 meet the eligibility criteria under Title II of the Social Security Act
14 as defined in Section 402(a) of Title 42 of the United States Code
15 for old-age insurance benefits *or Title XVI of the Social Security*
16 *Act as defined in Section 1381 of Title 42 of the United States Code*
17 *for aged individuals*, two persons of the opposite sex. In no event
18 may two persons of the opposite sex constitute a domestic
19 partnership unless both persons are over the age of 62 years.

20 (c) This section shall not be operative unless and until the
21 county board of supervisors, by resolution adopted by a majority
22 vote, makes this section operative in the county.

